

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE WESTERN DISTRICT OF WASHINGTON**

3 **CORETEK LICENSING LLC,**

4 Plaintiff,

5 v.

6 **AMERICAN WELL CORPORATION,**

7 Defendant.

Civil Action No.: 2:22-cv-1369

TRIAL BY JURY DEMANDED

**COMPLAINT FOR INFRINGEMENT
OF PATENT**

8
9 Now comes Plaintiff, Coretek Licensing LLC (“Plaintiff” or “Coretek”), by and through
10 undersigned counsel, and respectfully alleges, states, and prays as follows:

11 **NATURE OF THE ACTION**

12 1. This is an action for patent infringement under the Patent Laws of the United
13 States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant American Well
14 Corporation (hereinafter “Defendant”), from infringing and profiting, in an illegal and
15 unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent
16 No. 8,861,512 (“the ‘512 Patent”), U.S. Patent No. 9,173,154 (“the ‘154 Patent”), U.S. Patent
17 No. 9,369,575 (“the ‘575 Patent”), and U.S. Patent No. 9,591,551 (“the ‘551 Patent”)
18 (collectively the “Patents-in-Suit”), which are attached hereto as Exhibits A, B, C, and D,
19 respectively, and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to
20 recover damages, attorney’s fees, and costs.
21

22 **THE PARTIES**

23
24 2. Plaintiff is a Texas limited liability company with its principal place of business
25 at 4757 West Park Boulevard – Suite 113-1051, Plano, Texas 75093.
26

27 COMPLAINT FOR INFRINGEMENT OF PATENT - 1

MANN LAW GROUP PLLC
403 MADISON AVE. N. STE. 240
BAINBRIDGE ISLAND, WA 98110
PHONE: 206-436-0900

1 3. Upon information and belief, Defendant is a corporation organized under the laws
2 of Delaware, with a principal place of business located at 75 State Street – 26th Floor, Boston,
3 Massachusetts 02109.

4 4. Upon information and belief, Defendant owns and/or operates a location in this
5 District located at 999 3rd Avenue – Suite 680, Seattle, Washington 98104. Upon information
6 and belief, Defendant may be served with process c/o Corporation Service Company, 251 Little
7 Falls Drive, Wilmington, Delaware 19808.

8 5. Plaintiff is further informed and believes, and on that basis alleges, that Defendant
9 operates the website www.business.amwell.com. Defendant derives a portion of its revenue
10 from sales and distribution via electronic transactions conducted on and using at least, but not
11 limited to, its Internet website located at www.business.amwell.com, and its incorporated and/or
12 related systems (collectively the “Amwell Website”). Plaintiff is informed and believes, and on
13 that basis alleges, that, at all times relevant hereto, Defendant has done and continues to do
14 business in this judicial district, including, but not limited to, providing products/services to
15 customers located in this judicial district by way of the Amwell Website.

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17
18
19 **JURISDICTION AND VENUE**

20 6. This is an action for patent infringement in violation of the Patent Act of the
21 United States, 35 U.S.C. §§1 *et seq.*

22 7. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
23 §§1331 and 1338(a).

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant resides in this District under the Supreme Court’s opinion in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through its incorporation, and regular and established place of business in this District.

11. On October 14, 2014, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘512 Patent, entitled “METHOD OF ENABLING A WIRELESS DEVICE TO MAKE A NETWORK CONNECTION WITHOUT USING A NETWORK OPERATOR’S HOME LOCATION REGISTER” after a full and fair examination. The ‘512 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

1 12. Plaintiff is presently the owner of the ‘512 Patent, having received all right, title
2 and interest in and to the ‘512 Patent from the previous assignee of record. Plaintiff possesses
3 all rights of recovery under the ‘512 Patent, including the exclusive right to recover for past
4 infringement.
5

6 13. To the extent required, Plaintiff has complied with all marking requirements
7 under 35 U.S.C. § 287 with respect to the ‘512 Patent.

8 14. The invention claimed in the ‘512 Patent comprises a method, system, and/or
9 server enabling a wireless device to initiate a network connection without using a network
10 operator's home location register.
11

12 15. Claim 1 of the ‘512 Patent recites a method of enabling a wireless device, located
13 in a region, to initiate a network connection without using a network operator's home location
14 register.
15

16 16. Claim 1 of the ‘512 Patent states:

17 “1. A method of enabling a wireless device, located in a region, to initiate
18 a network connection without using a network operator's home location register
that covers that region, comprising the steps of:

19 (a) the wireless device using a module that is responsible for contacting a
20 server to communicate with the server over a wireless link, wherein the device
includes the module that is implemented as software and that is downloadable to
21 the device;

22 (b) the wireless device using the module to send, over the wireless link,
data to the server that defines a call request;

23 (c) in response to the call request, a software application running on the
24 server deciding on the appropriate routing to a third party end-user over all
25 available networks for that call request without using the network operator's home
or visitor location register.” See Exhibit A.
26

1 17. Claim 4 of the '512 Patent states:

2 "4. The method of claim 1, in which the wireless device uses HTTP
3 (Hypertext Transfer Protocol) over the internet to communicate with the
4 server." See Exhibit A.

5 18. Claim 5 of the '512 Patent states:

6 "5. The method of claim 4 in which the user has to enter any data
7 required by the server manually into the device." See Exhibit A.

8 19. Claim 8 of the '512 Patent states:

9 "8. The method of claim 1, in which the server also acts as a media server
10 so that the network connection is not limited to a voice connection, but includes
11 also the transfer of any media asset, including data, video, and audio files, web
12 pages and data, video and audio streaming." See Exhibit A.

13 20. Claim 12 of the '512 Patent states:

14 "12. The method of claim 1 in which the module establishes and controls
15 communication between the device and the server." See Exhibit A.

16 21. Claim 23 of the '512 Patent recites a system comprising a wireless device located
17 in a region and a server for enabling the wireless device to communicate with the server to initiate
18 a network connection without using a network operator's home location.
19

20 22. Claim 23 of the '512 Patent states:

21 "23. A system comprising a wireless device located in a region and a
22 server for enabling the wireless device to communicate with the server to initiate
23 a network connection without using a network operator's home location register
24 that covers that region, wherein the server includes a software application that
functions as a calls manager, wherein:

25 (a) the wireless device is operable using a module that is responsible for
26 contacting the server to communicate with the server over a wireless link, wherein

1 the device includes the module that is implemented as software and that is
2 downloadable to the device;

3 (b) the wireless device is operable using the module to send, over the
4 wireless link, data to the server that defines a call request;

5 (c) in response to the call request, the calls manager software included on
6 the server is operable to decide on the appropriate routing to a third party end-
7 user over all available networks for that call request without using the network
8 operator's home or visitor location register." See Exhibit A.

9 23. Claim 24 of the '512 Patent recites a server for enabling a wireless device to
10 communicate with the server to initiate a network connection without using a network operator's
11 home location register.

12 24. Claim 24 of the '512 Patent states:

13 "24. A server for enabling a wireless device to communicate with the
14 server to initiate a network connection without using a network operator's home
15 location register, wherein the server includes a software application that functions
16 as a calls manager, wherein:

17 (a) the wireless device is operable using a module that is responsible for
18 contacting the server to communicate with the server over a wireless link, wherein
19 the device includes the module that is implemented as software and that is
20 downloadable to the device;

21 (b) the wireless device is operable using the module to send, over the
22 wireless link, data to the server that defines a call request;

23 (c) in response to the call request, the calls manager software included on
24 the server is operable to decide on the appropriate routing to a third party end-
25 user over all available networks for that call request without using that network
26 operator's home or visitor location register." See Exhibit A.

27 25. Defendant commercializes, inter alia, methods that perform all the steps recited
28 in at least one claim of the '512 Patent. More particularly, Defendant commercializes, inter alia,
methods, systems, and/or servers that perform all the steps recited in Claims 1, 4, 5, 8, 12, 23,
and/or 24 of the '512 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or

COMPLAINT FOR INFRINGEMENT OF PATENT - 6

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1 imports a method, system, and/or server that enables a wireless device to initiate a network
2 connection without using a network operator's home location register that encompasses that
3 which is covered by Claims 1, 4, 5, 8, 12, 23, and/or 24 of the '512 Patent.

4
5 26. On October 27, 2015, the United States Patent and Trademark Office ("USPTO")
6 duly and legally issued the '154 Patent, entitled "METHOD OF ENABLING A WIRELESS
7 DEVICE TO MAKE A NETWORK CONNECTION WITHOUT USING A NETWORK
8 OPERATOR'S HOME LOCATION REGISTER" after a full and fair examination. The '154
9 Patent is attached hereto as Exhibit B and incorporated herein as if fully rewritten.

10
11 27. Plaintiff is presently the owner of the '154 Patent, having received all right, title
12 and interest in and to the '154 Patent from the previous assignee of record. Plaintiff possesses
13 all rights of recovery under the '154 Patent, including the exclusive right to recover for past
14 infringement.

15
16 28. To the extent required, Plaintiff has complied with all marking requirements
17 under 35 U.S.C. § 287 with respect to the '154 Patent.

18
19 29. The invention claimed in the '154 Patent comprises a method, system, server,
20 and/or computer product enabling a wireless device to initiate a network connection without
21 using a network operator's home location register.

22
23 30. Claim 1 of the '154 Patent recites a method of enabling a wireless device to
24 initiate a network connection without using a network operator's home location register.

1 31. Claim 1 of the '154 Patent states:

2 “1. A method of enabling a wireless handheld cellular phone device,
3 located in a region, to initiate a network connection without using a network
4 operator's home location register that covers that region, comprising the steps of:

5 (a) the wireless handheld cellular phone device using a module that is
6 responsible for contacting a server to communicate with the server over a wireless
7 link, wherein the wireless handheld cellular phone device includes the module
8 that is implemented as software and that is downloadable to the wireless handheld
9 cellular phone device;

10 (b) the wireless handheld cellular phone device using the module to send,
11 over the wireless link, data to the server that defines a call request;

12 (c) in response to the call request, a software application running on the
13 server deciding on the appropriate routing to a 3rd party end-user for that call
14 request without using the network operator's home or visitor location register.”
15 See Exhibit B.

16 32. Claim 3 of the '154 Patent states:

17 “3. The method of claim 1, in which the wireless device uses HTTP
18 (Hypertext Transfer Protocol) over the internet to communicate with the server.”
19 See Exhibit B.

20 33. Claim 4 of the '154 Patent states:

21 “4. The method of claim 3 in which the user has to enter any data required
22 by the server manually into the device.” See Exhibit B.

23 34. Claim 7 of the '154 Patent states:

24 “7. The method of claim 1, in which the server also acts as a media server
25 so that the network connection is not limited to a voice connection, but includes
26 also the transfer of any media asset, including data, video, and audio files, web
27 pages and data, video and audio streaming.” See Exhibit B.

28 35. Claim 11 of the '154 Patent states:

 “11. The method of claim 1 in which the module establishes and controls
 communication between the device and the server.” See Exhibit B.

1 36. Claim 22 of the ‘154 Patent recites a system comprising a wireless handheld
2 cellular phone device located in a region and a server for enabling the wireless handheld cellular
3 phone device to communicate with the server to initiate a network connection without using a
4 network operator's home location register.
5

6 37. Claim 22 of the ‘154 Patent states:

7 “22. A system comprising a wireless handheld cellular phone device
8 located in a region and a server for enabling the wireless handheld cellular phone
9 device to communicate with the server to initiate a network connection without
10 using a network operator's home location register that covers that region, wherein
11 the server includes a software application that functions as a calls manager,
12 wherein:
13

14 (a) the wireless handheld cellular phone device is operable using a module
15 that is responsible for contacting the server to communicate with the server over
16 a wireless link, wherein the wireless handheld cellular phone device includes the
17 module that is implemented as software and that is downloadable to the wireless
18 handheld cellular phone device;
19

20 (b) the wireless handheld cellular phone device is operable using the
21 module to send, over the wireless link, data to the server that defines a call
22 request;
23

24 (c) in response to the call request, the calls manager software included on
25 the server is operable to decide on the appropriate routing to a 3rd party end-user
26 for that call request without using the network operator's home or visitor location
27 register.” See Exhibit B.
28

38. Claim 23 of the ‘154 Patent recites a server for enabling a wireless handheld
cellular phone device to communicate with the server to initiate a network connection without
using a network operator's home location register.

39. Claim 23 of the ‘154 Patent states:

“23. A server for enabling a wireless handheld cellular phone device to
communicate with the server to initiate a network connection without using a

network operator's home location register, wherein the server includes a software application that functions as a calls manager, wherein:

(a) the wireless handheld cellular phone device is operable using a module that is responsible for contacting the server to communicate with the server over a wireless link, wherein the wireless handheld cellular phone device includes the module that is implemented as software and that is downloadable to the wireless handheld cellular phone device;

(b) the wireless handheld cellular phone device is operable using the module to send, over the wireless link, data to the server that defines a call request;

(c) in response to the call request, the calls manager software included on the server is operable to decide on the appropriate routing to a 3rd party end-user for that call request without using that network operator's home or visitor location register." See Exhibit B.

40. Claim 24 of the '154 Patent recites a computer program product that enables a wireless handheld cellular phone device to initiate a network connection without using a network operator's home location register.

41. Claim 24 of the '154 Patent states:

"24. Computer program product embodied on a non-transitory storage medium, the computer program product when executing on a wireless handheld cellular phone device configured to enable the wireless handheld cellular phone device, when located in a region, to initiate a network connection without using a network operator's home location register that covers that region, the computer program product configured to:

(a) contact a server to communicate with the server over a wireless link, and

(b) send, over the wireless link, data to the server that defines a call request;

wherein, in response to the call request, a software application running on the server decides on the appropriate routing to a 3rd party end-user for that call request without using the network operator's home or visitor location register, and wherein the computer program product is downloadable to the wireless handheld cellular phone device." See Exhibit B.

1
2 42. Defendant commercializes, inter alia, methods, systems, servers, and/or computer
3 products that perform all the steps recited in at least one claim of the ‘154 Patent. More
4 particularly, Defendant commercializes, inter alia, methods that perform all the steps recited in
5 Claims 1, 3, 4, 7, 11, 22, 23, and/or 24 of the ‘154 Patent. Specifically, Defendant makes, uses,
6 sells, offers for sale, or imports a method, system, server, and/or computer product that enables
7 a wireless device to initiate a network connection without using a network operator's home
8 location register that encompasses that which is covered by Claims 1, 3, 4, 7, 11, 22, 23, and/or
9 24 of the ‘154 Patent.
10

11 43. On June 14, 2016, the United States Patent and Trademark Office (“USPTO”)
12 duly and legally issued the ‘575 Patent, entitled “DYNAMIC VOIP LOCATION SYSTEM”
13 after a full and fair examination. The ‘575 Patent is attached hereto as Exhibit C and incorporated
14 herein as if fully rewritten.
15

16 44. Plaintiff is presently the owner of the ‘575 Patent, having received all right, title
17 and interest in and to the ‘575 Patent from the previous assignee of record. Plaintiff possesses
18 all rights of recovery under the ‘575 Patent, including the exclusive right to recover for past
19 infringement.
20

21 45. To the extent required, Plaintiff has complied with all marking requirements
22 under 35 U.S.C. § 287 with respect to the ‘575 Patent.
23

24 46. The invention claimed in the ‘575 Patent comprises a system for detecting or
25 determining any given VoIP (Voice over internet protocol) location of any VoIP enabled
26 wireless device registered to the system.
27

1 47. Claim 1 of the '575 Patent recites a system for detecting or determining any given
2 "VoIP (Voice over internet protocol) location" of any "VoIP enabled wireless device registered
3 to the system".

4
5 48. Claim 1 of the '575 Patent states:

6 "1. A system for detecting or determining any given "VoIP (Voice over
7 internet protocol) location" of any "VoIP enabled wireless device registered to
8 the system" by extracting any such device's "VoIP address or return path" and
9 storing it and updating it in one or more accessible databases, the system
10 including a server, a VoIP enabled wireless device registered to the server and a
software module downloadable from the server to the VoIP enabled wireless
device, in which:

11 (a) the system is adapted to receive VOID communications from multiple
VoIP enabled wireless devices;

12 (b) the system enables access to information in one or more databases;

13 (c) the system is capable of extracting and reporting dynamically the
14 "VoIP address or return path" and all associated information from each incoming
15 data communication from any "VoIP enabled wireless device registered to the
system" into a database(s) associated with each corresponding registered VoIP
enabled wireless device user account;

16 (d) the system is capable of extracting a specific "VoIP address or return
17 path" and all associated information corresponding to a specific registered VOID
18 enabled wireless device user account from the system accessible database(s) and
19 communicating with each specific VoIP enabled wireless device registered to the
system through each specific "VoIP address or return path";

20 (e) in which the VoIP enabled wireless device registered to the server
21 incorporates the software module, which at certain time intervals authenticates
and connects to the server which is part of the system, and

22 (f) wherein a time between each time interval of the registered VoIP
23 enabled wireless device authenticating and connecting with the server is less than
24 a time allowed by the registered VoIP enabled wireless device to receive a
response from the server." See Exhibit C.

1 49. Defendant commercializes, inter alia, systems that perform all the steps recited in
2 at least one claim of the ‘575 Patent. More particularly, Defendant commercializes, inter alia,
3 methods that perform all the steps recited in Claim 1 of the ‘575 Patent. Specifically, Defendant
4 makes, uses, sells, offers for sale, or imports a system that detects or determines any given VoIP
5 (Voice over internet protocol) location of any VoIP enabled wireless device registered to the
6 system that encompasses that which is covered by Claim 1 of the ‘575 Patent.
7

8 50. On March 7, 2017, the United States Patent and Trademark Office (“USPTO”)
9 duly and legally issued the ‘551 Patent, entitled “METHOD OF ENABLING A WIRELESS
10 DEVICE TO MAKE A NETWORK CONNECTION WITHOUT USING A NETWORK
11 OPERATOR’S HOME LOCATION REGISTER” after a full and fair examination. The ‘551
12 Patent is attached hereto as Exhibit D and incorporated herein as if fully rewritten.
13

14 51. Plaintiff is presently the owner of the ‘551 Patent, having received all right, title
15 and interest in and to the ‘551 Patent from the previous assignee of record. Plaintiff possesses
16 all rights of recovery under the ‘551 Patent, including the exclusive right to recover for past
17 infringement.
18

19 52. To the extent required, Plaintiff has complied with all marking requirements
20 under 35 U.S.C. § 287 with respect to the ‘551 Patent.
21

22 53. The invention claimed in the ‘551 Patent comprises a method, system, server,
23 and/or computer product enabling a wireless device to initiate a network connection without
24 using a network operator's home location register.
25

1 54. Claim 1 of the '551 Patent recites a computer program product configured to
2 enable the wireless device to initiate a network connection without using a network operator's
3 home location register.

4
5 55. Claim 1 of the '551 Patent states:

6 “1. Computer program product embodied on a non-transitory storage
7 medium, the computer program product when executing on a wireless device
8 configured to enable the wireless device, when located in a region, to initiate a
9 network connection without using a network operator's home location register
that covers that region, the computer program product configured to:

10 (a) contact a server to communicate with the server over a wireless link,
and

11 (b) send, over the wireless link, data to the server that defines a call
request;

12 wherein, in response to the call request, a software application running on
13 the server decides on the appropriate routing to a 3rd party end-user for that call
14 request without using the network operator's home or visitor location register.”
See Exhibit D.

15
16 56. Claim 3 of the '551 Patent states:

17 “3. Computer program product of claim 1, wherein the computer program
18 product is downloadable to the wireless device.” See Exhibit D.

19 57. Claim 4 of the '551 Patent states:

20 “4. Computer program product of claim 1, wherein the computer program
21 product is embedded in the wireless device.” See Exhibit D.

22 58. Claim 5 of the '551 Patent states:

23 “5. Computer program product of claim 1, wherein the server is an
24 application server.” See Exhibit D.

1 59. Claim 7 of the ‘551 Patent states:

2 “7. Computer program product of claim 1, wherein the wireless device
3 uses the internet to communicate with the server.” See Exhibit D.

4 60. Claim 9 of the ‘551 Patent states:

5 “9. Computer program product of claim 1, wherein the computer program
6 product is configured to receive calls at the wireless device.” See Exhibit D.

7 61. Claim 11 of the ‘551 Patent states:

8 “11. Computer program product of claim 1, wherein the network
9 connection for that call is not limited to a voice connection, but includes also the
10 transfer of any media assets, including data-, video- and audio files, web pages,
11 and data-, video- and audio streaming.” See Exhibit D.

12 62. Claim 12 of the ‘551 Patent states:

13 “12. Computer program product of claim 1, wherein the computer
14 program product is configured to provide messages over the internet, or HTTP
15 over the internet communication from the wireless device to the server.” See
16 Exhibit D.

17 63. Claim 13 of the ‘551 Patent states:

18 “13. Computer program product of claim 12, wherein the computer
19 program product is configured to receive at the wireless device manually user-
20 entered data required by the server.” See Exhibit D.

21 64. Claim 14 of the ‘551 Patent states:

22 “14. Computer program product of claim 1, wherein the computer
23 program product is configured to establish and control communication between
24 the wireless device and the server.” See Exhibit D.

1 65. Claim 22 of the '551 Patent recites a method of enabling a wireless device,
2 located in a region, to initiate a network connection without using a network operator's home
3 location register.

4
5 66. Claim 22 of the '551 Patent states:

6 “22. A method of enabling a wireless device, located in a region, to initiate
7 a network connection without using a network operator's home location register
8 that covers that region, comprising the steps of:

9 (a) the wireless device using a module that is responsible for contacting a
10 server to communicate with the server over a wireless link, wherein the wireless
11 device includes the module that is implemented as software and that is
12 downloadable to the wireless device;

13 (b) the wireless device using the module to send, over the wireless link,
14 data to the server that defines a call request;

15 (c) in response to the call request, a software application running on the
16 server deciding on the appropriate routing to a 3rd party end-user for that call
17 request without using the network operator's home or visitor location register.”
18 See Exhibit D.

19 67. Claim 23 of the '551 Patent recites system enabling a wireless device to
20 communicate with the server to initiate a network connection without using a network operator's
21 home location register.

22 68. Claim 23 of the '551 Patent states:

23 “23. A system comprising a wireless device located in a region and a
24 server for enabling the wireless device to communicate with the server to initiate
25 a network connection without using a network operator's home location register
26 that covers that region, wherein the server includes a software application that
27 functions as a calls manager, wherein:

28 (a) the wireless device is operable using a module that is responsible for
contacting the server to communicate with the server over a wireless link, wherein
the wireless device includes the module that is implemented as software and that
is downloadable to the wireless device;

1 (b) the wireless device is operable using the module to send, over the
2 wireless link, data to the server that defines a call request;

3 (c) in response to the call request, the calls manager software included on
4 the server is operable to decide on the appropriate routing to a 3rd party end-user
5 for that call request without using the network operator's home or visitor location
6 register.” See Exhibit D.

69. Claim 24 of the ‘551 Patent recites a server for enabling a wireless device to
7 communicate with the server to initiate a network connection without using a network operator's
8 home location register.

9 70. Claim 24 of the ‘551 Patent states:

10 “24. A server for enabling a wireless device to communicate with the
11 server to initiate a network connection without using a network operator's home
12 location register, wherein the server includes a software application that functions
13 as a calls manager, wherein:

14 (a) the wireless device is operable using a module that is responsible for
15 contacting the server to communicate with the server over a wireless link, wherein
16 the wireless device includes the module that is implemented as software and that
17 is downloadable to the wireless device;

18 (b) the wireless device is operable using the module to send, over the
19 wireless link, data to the server that defines a call request;

20 (c) in response to the call request, the calls manager software included on
21 the server is operable to decide on the appropriate routing to a 3rd party end-user
22 for that call request without using that network operator's home or visitor location
23 register.” See Exhibit D.

24 71. Defendant commercializes, inter alia, methods, systems, servers, and/or computer
25 products that perform all the steps recited in at least one claim of the ‘551 Patent. More
26 particularly, Defendant commercializes, inter alia, methods that perform all the steps recited in
27 Claims 1, 3, 4, 5, 7, 9, 11, 12, 13, 14, 22, 23, and/or 24 of the ‘551 Patent. Specifically, Defendant
28 makes, uses, sells, offers for sale, or imports a method, system, server, and/or computer product

1 that enables a wireless device to initiate a network connection without using a network operator's
2 home location register that encompasses that which is covered by Claims 1, 3, 4, 5, 7, 9, 11, 12,
3 13, 14, 22, 23, and/or 24 of the '551 Patent.

4
5 **DEFENDANT'S PRODUCT(S)**

6 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,861,512**

7 72. Defendant offers solutions, such as “Amwell App (the “Accused Product”)¹
8 communications software.

9 73. A non-limiting and exemplary claim chart comparing the Accused Product to
10 Claims 1, 4, 5, 8, 12, 23, and/or 24 of the '512 Patent is attached hereto as Exhibit E and is
11 incorporated herein as if fully rewritten.

12 74. As recited in Claim 1, the Accused Product discloses a method of enabling a
13 wireless device (e.g., Smartphone), located in a region, to initiate a network connection (e.g.,
14 SIP/VoIP Invite) without using a network operator's home location register that covers that
15 region. The Accused Product uses Internet or IP network for calling. Hence, it bypasses network
16 operator's home location register as Wi-Fi or internet-based calling does not require home
17 location register (HLR). See Exhibit E.

18 75. As recited in one step of Claim 1, the wireless device (e.g., Smartphone) using a
19 module (e.g., Amwell application) that is responsible for contacting a server (e.g., Amwell Server)
20 to communicate with the server (e.g., Amwell Server) over a wireless link (e.g., Wi-Fi link),
21
22
23
24

25
26 ¹ The Accused Product is just one of the products provided by Defendant, and Plaintiff's investigation is on-going
27 to additional products to be included as an Accused Product that may be added at a later date.

1 wherein the wireless device (e.g., Smartphone) includes the module (e.g., Amwell application)
2 that is implemented as software and that is downloadable to the wireless device (e.g.,
3 Smartphone). See Exhibit E.

4
5 76. As recited in another step of Claim 1, the wireless device (e.g., Smartphone) using
6 the module (e.g., Amwell application) to send, over the wireless link (e.g., Wi-Fi link), data to
7 the server (e.g., Amwell Server) that defines a call request (e.g., Invite signal from caller to
8 server). See Exhibit E.

9
10 77. As recited in another step of Claim 1, in response to the call request (e.g., Invite
11 signal from caller to server), a software application (e.g., software running at Amwell SIP/VoIP
12 proxy Server to route/manage calls) running on the server (e.g., Amwell Server) deciding on the
13 appropriate routing (e.g., Invite signal from server to callee) to a 3rd party end-user (e.g., Other
14 users using Amwell) for that call request (e.g., Invite signal from caller to server) without using
15 the network operator's home or visitor location register. See Exhibit E.

16
17 78. As recited in Claim 4, the wireless device (e.g., user device) uses HTTP (Hypertext
18 Transfer Protocol) over the internet to communicate with the server (e.g., Amwell server). See
19 Exhibit E.

20
21 79. As recited in Claim 5, the user (e.g., user of Amwell application) has to enter any
22 data (e.g., Amwell login details) required by the server (e.g., Amwell Server) manually into the
23 device (e.g., Smartphone). See Exhibit E.

24
25 80. As recited in Claim 8, the server (e.g., Amwell Server) also acts as a media server
26 so that the network connection (e.g., SIP/VoIP Invite) for that call is not limited to a voice

1 connection, but includes also the transfer of any media assets, including data, files, chat, and data-
2 , video- and audio streaming. See Exhibit E.

3 81. As recited in Claim 12, the module (e.g., Amwell application) establishes and
4 control communication (e.g., SIP/VoIP communication) between the wireless device (e.g.,
5 Smartphone) and the server (e.g., Amwell Server). See Exhibit E.

6
7 82. As recited in Claim 23, the Accused Product discloses a system comprising a
8 wireless device (e.g., Smartphone) located in a region and a server (e.g., Amwell Server) for
9 enabling the wireless device (e.g., Smartphone) to communicate with the server (e.g., Amwell
10 Server) to initiate a network connection (e.g., SIP/VoIP Invite) without using a network operator's
11 home location register that covers that region, wherein the server includes a software application
12 (e.g., software running at Amwell SIP/VoIP proxy Server to route/manage calls) that functions as
13 a calls manager. See Exhibit E.

14
15 83. As recited in one step of Claim 23, the wireless device (e.g., Smartphone) is
16 operable using a module (e.g., Amwell application) that is responsible for contacting a server
17 (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link
18 (e.g., Wi-Fi link), wherein the wireless device (e.g., Smartphone) includes the module (e.g.,
19 Amwell application) that is implemented as software and that is downloadable to the wireless
20 device (e.g., Smartphone). See Exhibit E.

21
22 84. wireless device (e.g., Smartphone) is operable using the module (e.g., Amwell
23 application) to send, over the wireless link (e.g., Wi-Fi link), data to the server (e.g., Amwell
24 Server) that defines a call request (e.g., Invite signal from caller to server). See Exhibit E.

1 85. As recited in another step of Claim 23, in response to the call request (e.g., Invite
2 signal from caller to server), the call manager software (e.g., software running at Amwell
3 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
4 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a third
5 party end-user (e.g., Other users using Amwell) over all available networks for that call request
6 (e.g., Invite signal from caller to server) without using the network operator's home or visitor
7 location register. See Exhibit E.
8

9 86. As recited in Claim 24, the Accused Product discloses a server enabling a wireless
10 device (e.g., Smartphone) located in a region and a server for enabling the wireless device to
11 communicate with the server to initiate a network connection (e.g., SIP/VoIP Invite) without
12 using a network operator's home location register that covers that region, wherein the server
13 includes a software application that functions as a calls manager. See Exhibit E.
14

15 87. As recited in one step of Claim 24, the wireless device (e.g., Smartphone) is
16 operable using a module (e.g., Amwell application) that is responsible for contacting a server
17 (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link
18 (e.g., Wi-Fi link), wherein the wireless device (e.g., Smartphone) includes the module (e.g.,
19 Amwell application) that is implemented as software and that is downloadable to the wireless
20 device (e.g., Smartphone). See Exhibit E.
21

22 88. As recited in another step of Claim 24, the wireless device (e.g., Smartphone) is
23 operable using the module (e.g., Amwell application) to send, over the wireless link (e.g., Wi-Fi
24

1 link), data to the server (e.g., Amwell Server) that defines a call request (e.g., Invite signal from
2 caller to server). See Exhibit E.

3 89. As recited in another step of Claim 24, in response to the call request (e.g., Invite
4 signal from caller to server), the call manager software (e.g., software running at Amwell
5 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
6 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a 3rd
7 party end-user (e.g., Other users using Amwell) for that call request (e.g., Invite signal from caller
8 to server) without using the network operator's home or visitor location register. See Exhibit E.
9

10 90. The elements described in the preceding paragraphs are covered by at least Claims
11 1, 4, 5, 8, 12, 23, and/or 24 of the '512 Patent. Thus, Defendant's use of the Accused Product is
12 enabled by the method, system, and/or server described in the '512 Patent.
13

14 91. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing
15 the '512 Patent.
16

17 92. Defendant has had knowledge of infringement of the '512 Patent at least as of the
18 service of the present Complaint.

19 93. Defendant has directly infringed and continues to directly infringe at least one
20 claim of the '512 Patent by using, at least through internal testing or otherwise, the Accused
21 Product without authority in the United States, and will continue to do so unless enjoined by this
22 Court. As a direct and proximate result of Defendant's direct infringement of the '512 Patent,
23 Plaintiff has been and continues to be damaged.
24

1 94. Defendant has induced others to infringe the ‘512 Patent by encouraging
2 infringement, knowing that the acts Defendant induced constituted patent infringement, and its
3 encouraging acts actually resulted in direct patent infringement.
4

5 95. By engaging in the conduct described herein, Defendant has injured Plaintiff and
6 is thus liable for infringement of the ‘512 Patent pursuant to 35 U.S.C. § 271.

7 96. Defendant has committed these acts of infringement without license or authorization.

8 97. As a result of Defendant’s infringement of the ‘512 Patent Plaintiff has suffered
9 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
10 for Defendant’s past infringement, together with interests and costs.

11 98. Plaintiff will continue to suffer damages in the future unless Defendant’s
12 infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for
13 any continuing and/or future infringement up until the date that Defendant is finally and
14 permanently enjoined from further infringement.
15

16 99. Plaintiff reserves the right to modify its infringement theories as discovery
17 progresses in this case; it shall not be estopped for infringement contention or claim construction
18 purposes by the claim charts that it provides with this Complaint. The claim chart depicted in
19 Exhibit E is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of
20 Civil Procedure and does not represent Plaintiff’s preliminary or final infringement contentions
21 or preliminary or final claim construction positions.
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COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,173,154

100. Defendant offers solutions, such as “Amwell App” (the “Accused Product”)² communications software.

101. A non-limiting and exemplary claim chart comparing the Accused Product to Claims 1, 3, 4, 7, 11, 22, 23, and/or 24 of the ‘154 Patent is attached hereto as Exhibit F and is incorporated herein as if fully rewritten.

102. As recited in Claim 1, the Accused Product discloses a method of enabling a wireless handheld cellular phone device (e.g., Smartphone), located in a region, to initiate a network connection (e.g., SIP/VoIP Invite) without using a network operator’s home location register that covers that region. The Accused Product uses Internet or IP network for calling. Hence, it bypasses network operator’s home location register as Wi-Fi or internet-based calling does not require home location register (HLR). See Exhibit F.

103. As recited in one step of Claim 1, the wireless handheld cellular phone device (e.g., Smartphone) using a module (e.g., Amwell application) that is responsible for contacting a server (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link (e.g., Wi-Fi link), wherein the wireless handheld cellular phone device (e.g., Smartphone) includes the module (e.g., Amwell application) that is implemented as software and that is downloadable to the wireless handheld cellular phone device (e.g., Smartphone). See Exhibit F.

² The Accused Product is just one of the products provided by Defendant, and Plaintiff’s investigation is on-going to additional products to be included as an Accused Product that may be added at a later date.

1 104. As recited in another step of Claim 1, the wireless handheld cellular phone device
2 (e.g., Smartphone) using the module (e.g., Amwell application) to send, over the wireless link
3 (e.g., Wi-Fi link), data to the server (e.g., Amwell Server) that defines a call request (e.g., Invite
4 signal from caller to server). See Exhibit F.
5

6 105. As recited in another step of Claim 1, in response to the call request (e.g., Invite
7 signal from caller to server), a software application (e.g., software running at Amwell SIP/VoIP
8 proxy Server to route/manage calls) running on the server (e.g., Amwell Server) deciding on the
9 appropriate routing (e.g., Invite signal from server to callee) to a 3rd party end-user (e.g., Other
10 users using Amwell) for that call request (e.g., Invite signal from caller to server) without using
11 the network operator's home or visitor location register. See Exhibit F.
12

13 106. As recited in Claim 3, the wireless device (e.g., user device) uses HTTP (Hypertext
14 Transfer Protocol) over the internet to communicate with the server (e.g., Amwell server). See
15 Exhibit F.
16

17 107. As recited in Claim 4, the user (e.g., user of Amwell application) has to enter any
18 data (e.g., Amwell login details) required by the server (e.g., Amwell Server) manually into the
19 device (e.g., Smartphone). See Exhibit F.
20

21 108. As recited in Claim 7, the server (e.g., Amwell Server) also acts as a media server
22 so that the network connection (e.g., SIP/VoIP Invite) for that call is not limited to a voice
23 connection, but includes also the transfer of any media assets, including data, files, chat, and data-
24 , video- and audio streaming. See Exhibit F.
25

1 109. As recited in Claim 11, the module (e.g., Amwell application) establishes and
2 control communication (e.g., SIP/VoIP session) between the device (e.g., Smartphone) and the
3 server (e.g., Amwell Server). See Exhibit F.

4
5 110. As recited in Claim 22, the Accused Product discloses a system comprising a
6 wireless handheld cellular phone device (e.g., Smartphone) located in a region and a server (e.g.,
7 Amwell Server) for enabling the wireless handheld cellular phone device (e.g., Smartphone) to
8 communicate with the server (e.g., Amwell Server) to initiate a network connection (e.g.,
9 SIP/VoIP Invite) without using a network operator's home location register that covers that
10 region, wherein the server includes a software application (e.g., software running at Amwell
11 SIP/VoIP proxy Server to route/manage calls) that functions as a calls manager. See Exhibit F.

12
13 111. As recited in one step of Claim 22, the wireless handheld cellular phone device
14 (e.g., Smartphone) is operable using a module (e.g., Amwell application) that is responsible for
15 contacting a server (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server)
16 over a wireless link (e.g., Wi-Fi link), wherein the wireless handheld cellular phone device (e.g.,
17 Smartphone) includes the module (e.g., Amwell application) that is implemented as software and
18 that is downloadable to the wireless handheld cellular phone device (e.g., Smartphone). See
19 Exhibit F.

20
21 112. As recited in another step of Claim 22, the wireless handheld cellular phone device
22 (e.g., Smartphone) is operable using the module (e.g., Amwell application) to send, over the
23 wireless link (e.g., Wi-Fi link), data to the server (e.g., Amwell Server) that defines a call request
24 (e.g., Invite signal from caller to server). See Exhibit F.

1 113. As recited in another step of Claim 22, in response to the call request (e.g., Invite
2 signal from caller to server), the call manager software (e.g., software running at Amwell
3 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
4 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a third
5 party end-user (e.g., Other users using Amwell) over all available networks for that call request
6 (e.g., Invite signal from caller to server) without using the network operator's home or visitor
7 location register. See Exhibit F.
8

9 114. As recited in Claim 23, the Accused Product discloses a server enabling a wireless
10 handheld cellular phone device (e.g., Smartphone) located in a region and a server for enabling
11 the wireless handheld cellular phone device to communicate with the server to initiate a network
12 connection (e.g., SIP/VoIP Invite) without using a network operator's home location register that
13 covers that region, wherein the server includes a software application that functions as a calls
14 manager. See Exhibit F.
15

16 115. As recited in one step of Claim 23, the wireless handheld cellular phone device
17 (e.g., Smartphone) is operable using a module (e.g., Amwell application) that is responsible for
18 contacting a server (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server)
19 over a wireless link (e.g., Wi-Fi link), wherein the wireless handheld cellular phone device (e.g.,
20 Smartphone) includes the module (e.g., Amwell application) that is implemented as software and
21 that is downloadable to the wireless handheld cellular phone device (e.g., Smartphone). See
22 Exhibit F.
23
24

1 116. As recited in another step of Claim 23, the wireless handheld cellular phone device
2 (e.g., Smartphone) is operable using the module (e.g., Amwell application) to send, over the
3 wireless link (e.g., Wi-Fi link), data to the server (e.g., Amwell Server) that defines a call request
4 (e.g., Invite signal from caller to server). See Exhibit F.
5

6 117. As recited in another step of Claim 23, in response to the call request (e.g., Invite
7 signal from caller to server), the call manager software (e.g., software running at Amwell
8 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
9 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a 3rd
10 party end-user (e.g., Other users using Amwell) for that call request (e.g., Invite signal from caller
11 to server) without using the network operator's home or visitor location register. See Exhibit F.
12

13 118. As recited in Claim 24, the Accused Product discloses a computer program product
14 (e.g., Amwell) embodied on a non-transitory storage medium (e.g., Smartphone's memory), the
15 computer program product (e.g., Amwell) when executing on a wireless handheld cellular phone
16 device (e.g., Smartphone) configured to enable the wireless handheld cellular phone device (e.g.,
17 Smartphone), when located in a region, to initiate a network connection (e.g., SIP/VoIP Invite)
18 without using a network operator's home location register that covers that region. The Accused
19 Product uses Internet or IP network for calling. Hence, it bypasses network operator's home
20 location register as Wi-Fi or internet based calling does not require home location register (HLR).
21 See Exhibit F.
22
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26

1 119. As recited in one step of Claim 24, the Accused Product contacts a server (e.g.,
2 Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link (e.g.,
3 Wi-Fi or 4G link). See Exhibit F.

4 120. As recited in another step of Claim 24, the Accused Product sends, over the
5 wireless link (e.g., Wi-Fi or 4G link), data to the server (e.g., Amwell Server) that defines a call
6 request (e.g., Invite signal from caller to server). See Exhibit F.

7 121. As recited in another step of Claim 24, in response to the call request (e.g., Invite
8 signal from caller to server), a software application (e.g., software running at Amwell SIP/VoIP
9 proxy Server to route/manage calls) running on the server (e.g., Amwell Server) decides on the
10 appropriate routing (e.g., Invite signal from server to callee) to a 3rd party end-user (e.g., Other
11 users using Amwell) for that call request (e.g., Invite signal from caller to server) without using
12 the network operator's home or visitor location register, and wherein the computer program
13 product (e.g., Amwell application) is downloadable to the wireless handheld cellular phone device
14 (e.g., Smartphone). See Exhibit F.

15 122. The elements described in the preceding paragraphs are covered by at least Claims
16 1, 3, 4, 7, 11, 22, 23, and/or 24 of the '154 Patent. Thus, Defendant's use of the Accused Product
17 is enabled by the method, system, server, and/or computer product described in the '154 Patent.

18 123. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing
19 the '154 Patent.

20 124. Defendant has had knowledge of infringement of the '154 Patent, at least as of the
21 service of the present Complaint.

1 125. Defendant has directly infringed and continues to directly infringe at least one
2 claim of the '154 Patent by using, at least through internal testing or otherwise, the Accused
3 Product without authority in the United States, and will continue to do so unless enjoined by this
4 Court. As a direct and proximate result of Defendant's direct infringement of the '154 Patent,
5 Plaintiff has been and continues to be damaged.
6

7 126. Defendant has induced others to infringe the '154 Patent by encouraging
8 infringement, knowing that the acts Defendant induced constituted patent infringement, and its
9 encouraging acts actually resulted in direct patent infringement.
10

11 127. By engaging in the conduct described herein, Defendant has injured Plaintiff and
12 is thus liable for infringement of the '154 Patent pursuant to 35 U.S.C. § 271.

13 128. Defendant has committed these acts of infringement without license or
14 authorization.
15

16 129. As a result of Defendant's infringement of the '154 Patent Plaintiff has suffered
17 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
18 for Defendant's past infringement, together with interests and costs.

19 130. Plaintiff will continue to suffer damages in the future unless Defendant's
20 infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for
21 any continuing and/or future infringement up until the date that Defendant is finally and
22 permanently enjoined from further infringement.
23

24 131. Plaintiff reserves the right to modify its infringement theories as discovery
25 progresses in this case; it shall not be estopped for infringement contention or claim construction
26

1 purposes by the claim charts that it provides with this Complaint. The claim chart depicted in
2 Exhibit E is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of
3 Civil Procedure and does not represent Plaintiff's preliminary or final infringement contentions
4 or preliminary or final claim construction positions.
5

6 **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,369,575**

7 132. Defendant offers solutions, such as the “Amwell App” (the “Accused
8 Instrumentality”)³ communications smartphone application.

9 133. A non-limiting and exemplary claim chart comparing the Accused Instrumentality
10 to Claim 1 of the ‘575 Patent is attached hereto as Exhibit G and is incorporated herein as if fully
11 rewritten.
12

13 134. As recited in Claim 1, a system utilized by the Accused Instrumentality is a system
14 for detecting or determining any given “VoIP (Voice over internet protocol) location” (e.g., IP
15 address of a user device enabled with Amwell application) of any “VoIP enabled wireless device
16 registered to the system” (e.g., a user device such as a smartphone enabled with Amwell
17 application) by extracting any such device's “VoIP address or return path” (e.g., IP address of a
18 user device enabled with Amwell application) and storing it and updating it in one or more
19 accessible databases (e.g., Amwell databases), the system including a server (e.g., Amwell server),
20 a VoIP enabled wireless device registered to the server (e.g., a user device such as a smartphone
21 enabled with Amwell application) and a software module (e.g., Amwell application)
22
23
24

25
26 ³ The Accused Instrumentality is just one of the products provided by Defendant, and Plaintiff's investigation is on-
going to additional products to be included as an Accused Instrumentality that may be added at a later date.

downloadable from the server (e.g., Amwell server) to the VoIP enabled wireless device (e.g., a user device such as a smartphone enabled with Amwell application). See Exhibit G.

135. As recited in one step of Claim 1, the system utilized by the Accused Instrumentality comprises a Amwell server, a user device such as a smartphone enabled with Amwell application. The Amwell application can be installed into a user smartphone device. The accused instrumentality also determines and collects IP address (i.e., VoIP address or VoIP location) of the user smartphone device. See Exhibit G.

136. As recited in another step of Claim 1, the system utilized by the Accused Instrumentality is the system which is adapted to receive VoIP communications (e.g., voice calling over IP network) from multiple VoIP enabled wireless devices (e.g., user devices such as smartphones enabled with Amwell application). The Accused Instrumentality provides voice calling functionality over IP network between users. See Exhibit G.

137. As recited in another step of Claim 1, the system utilized by the Accused Instrumentality is the system which enables access to information in one or more databases. Upon information and belief, when a user initiates a call request for a contact, the system utilized by the accused instrumentality access one or more databases associated with Amwell server to determine the user identification and/or device identification corresponding to the called contact. The system determines the status of the contacted user's device and forwards the call to the corresponding IP address associated with the contacted user. The system updates the user's activity and log information in the corresponding databases. See Exhibit G.

1 138. As recited in another step of Claim 1, the system utilized by the Accused
2 Instrumentality is the system which is capable of extracting and reporting dynamically the “VoIP
3 address or return path” (e.g., IP address of a user device enabled with Amwell application) and
4 all associated information (e.g., all information collected by the accused instrumentality) from
5 each incoming data communication from any “VoIP enabled wireless device registered to the
6 system” (e.g., a user device such as a smartphone enabled with Amwell application) into a
7 database(s) associated with each corresponding registered VoIP enabled wireless device (e.g., a
8 user device such as a smartphone enabled with Amwell application) user account. The Accused
9 Instrumentality extracts and updates a user device enabled with Amwell application’s IP address.
10 The Accused Instrumentality stores the IP address, call log information, device identifiers in the
11 databases corresponding to the user. See Exhibit G.

14 139. As recited in another step of Claim 1, the system utilized by the Accused
15 Instrumentality is the system which is capable of extracting a specific “VoIP address or return
16 path” (e.g., an IP address of a user device such as a smartphone enabled with Amwell application)
17 and all associated information (e.g., device information, hardware information, online status
18 information, etc.) corresponding to a specific registered VoIP enabled wireless device user
19 account (e.g., a user device such as a smartphone enabled with Amwell application) from the
20 system accessible database(s) and communicating with each specific VoIP enabled wireless
21 device (e.g., user device of the called contact such as a smartphone enabled with Amwell
22 application) registered to the system through each specific “VoIP address or return path” (e.g., an
23 IP address of the user device of the called contact such as a smartphone enabled with Amwell
24 application) registered to the system through each specific “VoIP address or return path” (e.g., an
25 IP address of the user device of the called contact such as a smartphone enabled with Amwell
26 application) registered to the system through each specific “VoIP address or return path” (e.g., an

1 application). The Accused Instrumentality provides voice calling functionality over IP network
2 between users. The Accused Instrumentality extracts and updates IP addresses of the user devices
3 in its databases. The Accused Instrumentality enables a user to call a contact by extracting the
4 contacted user's IP address and initiating call procedure corresponding to that IP address. See
5 Exhibit G.
6

7 140. As recited in another step of Claim 1, the system utilized by the Accused
8 Instrumentality practices such that the VoIP enabled wireless device (e.g., a user device such as
9 a smartphone enabled with Amwell application) registered to the server (e.g., Amwell server)
10 incorporates the software module (e.g., Amwell application), which at certain time intervals (e.g.,
11 Amwell app polls the Amwell server after regular intervals) authenticates and connects to the
12 server (e.g., Amwell server) which is part of the system. For example, a user verifies its email
13 address and password with the system utilized by the accused instrumentality to access the service
14 provided by the system. The system authenticates the user and connects the user to the Amwell
15 server. Upon information and belief, a user device enabled with Amwell application periodically
16 re-engages with the Amwell server for any further updates. As shown below, an android
17 application periodically authenticates a user device with the help of an account manager or token,
18 The Amwell server authenticates the user device enabled with Amwell application periodically.
19 See Exhibit G.
20
21

22 141. As recited in another step of Claim 1, the system utilized by the Accused
23 Instrumentality practices such that a time between each time interval of the registered VoIP
24 enabled wireless device (e.g., a user device such as a smartphone enabled with Amwell
25

application) authenticating and connecting with the server (e.g., Amwell server) is less than a time allowed by the registered VoIP enabled wireless device (e.g., a user device such as a smartphone enabled with Amwell application) to receive a response from the server (e.g., Amwell server). Upon information and belief, when a user device such as a smartphone enabled with Amwell application, during a Amwell voice call, switches from cellular network to Wi-Fi network or vice versa, the IP address of the user device changes. The Accused Instrumentality provides seamless and smooth voice calling functionality even when the user device changes the network. The Accused Instrumentality must take less time to authenticate and connect the user device with a new IP address to the Amwell server than a time allowed by the user device to receive a voice calling response from the server to ensure no data packet loss. See Exhibit G.

142. The elements described in the preceding paragraphs are covered by at least Claim 1 of the ‘575 Patent. Thus, Defendant’s use of the Accused Instrumentality is enabled by the method, system, server, and/or computer product described in the ‘575 Patent.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 9,591,551

143. Defendant offers solutions, such as “Amwell App” (the “Accused Product”)⁴ communications software.

144. A non-limiting and exemplary claim chart comparing the Accused Product to Claims 1, 3, 4, 5, 7, 9, 11, 12, 13, 14, 22, 23, and/or 24 of the ‘551 Patent is attached hereto as Exhibit H and is incorporated herein as if fully rewritten.

⁴ The Accused Product is just one of the products provided by Defendant, and Plaintiff’s investigation is on-going to additional products to be included as an Accused Product that may be added at a later date.

1 145. As recited in Claim 1, the Accused Product discloses a computer program product
2 (e.g., Amwell) embodied on a non-transitory storage medium (e.g., Smartphone's memory), the
3 computer program product (e.g., Amwell) when executing on a wireless device (e.g.,
4 Smartphone) configured to enable the wireless device (e.g., Smartphone), when located in a
5 region, to initiate a network connection (e.g., SIP/VoIP Invite) without using a network operator's
6 home location register that covers that region. The Accused Product uses Internet or IP network
7 for calling. Hence, it bypasses network operator's home location register as Wi-Fi or internet-
8 based calling does not require home location register (HLR). See Exhibit H.
9

10 146. As recited in one step of Claim 1, the Accused Product discloses contact a server
11 (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link
12 (e.g., Wi-Fi or 4G link). See Exhibit H.
13

14 147. As recited in another step of Claim 1, the Accused Product sends, over the wireless
15 link (e.g., Wi-Fi or 4G link), data to the server (e.g., Amwell Server) that defines a call request
16 (e.g., Invite signal from caller to server). See Exhibit H.
17

18 148. As recited in another step of Claim 1, in response to the call request (e.g., Invite
19 signal from caller to server), a software application (e.g., software running at Amwell SIP/VoIP
20 proxy Server to route/manage calls) running on the server (e.g., Amwell Server) decides on the
21 appropriate routing (e.g., Invite signal from server to callee) to a 3rd party end-user (e.g., Other
22 users using Amwell) for that call request (e.g., Invite signal from caller to server) without using
23 the network operator's home or visitor location register. See Exhibit H.
24

1 149. As recited in Claim 3, computer program product (e.g., Amwell) is downloadable
2 (e.g., install) to the wireless device (e.g., Smartphone). See Exhibit H.

3 150. As recited in Claim 4, the computer program product (e.g., Amwell) is embedded
4 to the wireless device (e.g., Smartphone). See Exhibit H.

5 151. As recited in Claim 5, the program product (e.g., Amwell) uses an application
6 server (e.g., Amwell Server). See Exhibit H.

7 152. As recited in Claim 7, the computer program product (e.g., Amwell) uses the
8 wireless device (e.g., Smartphone) uses the internet (e.g., Wi-Fi) to communicate with the server
9 (e.g., Amwell Server). See Exhibit H.

10 153. As recited in Claim 9, the computer program product (e.g., Amwell) is configured
11 to receive calls (e.g., voice calls) at the wireless device (e.g., Smartphone). See Exhibit H.

12 154. As recited in Claim 11, the network connection (e.g., SIP/VoIP Invite) for that call
13 is not limited to a voice connection, but includes also the transfer of any media assets, including
14 data, files, chat, and data-, video- and audio streaming. See Exhibit H.

15 155. As recited in Claim 12, the computer program product (e.g., Amwell) is configured
16 to provide messages (e.g., video message) over the internet (e.g., Wi-Fi) from the wireless device
17 (e.g., Smartphone) to the server (Amwell Server). See Exhibit H.

18 156. As recited in Claim 13, the computer program product (e.g., Amwell) is configured
19 to receive at the wireless device (e.g., Smartphone) manually user-entered data (e.g., Amwell
20 login details) required by the server (e.g., Amwell Server). See Exhibit H.

1 157. As recited in Claim 14, the computer program product is configured to establish
2 and control communication (e.g., SIP/VoIP communication) between the wireless device (e.g.,
3 Smartphone) and the server (e.g., Amwell Server). See Exhibit H.

4 158. As recited in Claim 22, the Accused Product discloses a method of enabling a
5 wireless device (e.g., Smartphone), located in a region, to initiate a network connection (e.g.,
6 SIP/VoIP Invite) without using a network operator's home location register that covers that
7 region. See Exhibit H.

8 159. The Accused Product uses Internet or IP network for calling. Hence, it bypasses
9 network operator's home location register as Wi-Fi or internet based calling does not require
10 home location register (HLR). See Exhibit H.

11 160. As recited in one step of Claim 22, the wireless device (e.g., Smartphone) using a
12 module (e.g., Amwell application) that is responsible for contacting a server (e.g., Amwell Server)
13 to communicate with the server (e.g., Amwell Server) over a wireless link (e.g., Wi-Fi link),
14 wherein the wireless device (e.g., Smartphone) includes the module (e.g., Amwell application)
15 that is implemented as software and that is downloadable to the wireless device (e.g.,
16 Smartphone). See Exhibit H.

17 161. As recited in another step of Claim 22, wireless device (e.g., Smartphone) using
18 the module (e.g., Amwell application) to send, over the wireless link (e.g., Wi-Fi link), data to
19 the server (e.g., Amwell Server) that defines a call request (e.g., Invite signal from caller to
20 server). See Exhibit H.

1 162. As recited in another step of Claim 22, in response to the call request (e.g., Invite
2 signal from caller to server), a software application (e.g., software running at Amwell SIP/VoIP
3 proxy Server to route/manage calls) running on the server (e.g., Amwell Server) deciding on the
4 appropriate routing (e.g., Invite signal from server to callee) to a 3rd party end-user (e.g., Other
5 users using Amwell) for that call request (e.g., Invite signal from caller to server) without using
6 the network operator's home or visitor location register. See Exhibit H.
7

8 163. As recited in Claim 23, the Accused Product discloses a system comprising a
9 wireless device (e.g., Smartphone) located in a region and a server (e.g., Amwell Server) for
10 enabling the wireless device (e.g., Smartphone) to communicate with the server (e.g., Amwell
11 Server) to initiate a network connection (e.g., SIP/VoIP Invite) without using a network operator's
12 home location register that covers that region, wherein the server includes a software application
13 (e.g., software running at Amwell SIP/VoIP proxy Server to route/manage calls) that functions as
14 a calls manager. See Exhibit H.
15

16 164. As recited in one step of Claim 23, the wireless device (e.g., Smartphone) is
17 operable using a module (e.g., Amwell application) that is responsible for contacting a server
18 (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link
19 (e.g., Wi-Fi link), wherein the wireless device (e.g., Smartphone) includes the module (e.g.,
20 Amwell application) that is implemented as software and that is downloadable to the wireless
21 device (e.g., Smartphone). See Exhibit H.
22

23 165. As recited in another step of Claim 23, the wireless device (e.g., Smartphone) is
24 operable using the module (e.g., Amwell application) to send, over the wireless link (e.g., Wi-Fi
25

1 link), data to the server (e.g., Amwell Server) that defines a call request (e.g., Invite signal from
2 caller to server). See Exhibit H.

3 166. As recited in another step of Claim 23, in response to the call request (e.g., Invite
4 signal from caller to server), the call manager software (e.g., software running at Amwell
5 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
6 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a 3rd
7 party end-user (e.g., Other users using Amwell) for that call request (e.g., Invite signal from caller
8 to server) without using the network operator's home or visitor location register. See Exhibit H.
9

10 167. As recited in Claim 24, the Accused Product discloses a server enabling a wireless
11 device (e.g., Smartphone) located in a region and a server for enabling the wireless device to
12 communicate with the server to initiate a network connection (e.g., SIP/VoIP Invite) without
13 using a network operator's home location register that covers that region, wherein the server
14 includes a software application (e.g., software running at Amwell SIP/VoIP proxy Server to
15 route/manage calls) that functions as a calls manager. See Exhibit H.
16

17 168. As recited in one step of Claim 24, the wireless device (e.g., Smartphone) is
18 operable using a module (e.g., Amwell application) that is responsible for contacting a server
19 (e.g., Amwell Server) to communicate with the server (e.g., Amwell Server) over a wireless link
20 (e.g., Wi-Fi link), wherein the wireless device (e.g., Smartphone) includes the module (e.g.,
21 Amwell application) that is implemented as software and that is downloadable to the wireless
22 device (e.g., Smartphone). See Exhibit H.
23
24

1 169. As recited in another step of Claim 24, the wireless device (e.g., Smartphone) is
2 operable using the module (e.g., Amwell application) to send, over the wireless link (e.g., Wi-Fi
3 link), data to the server (e.g., Amwell Server) that defines a call request (e.g., Invite signal from
4 caller to server). See Exhibit H.

5
6 170. As recited in another step of Claim 24, in response to the call request (e.g., Invite
7 signal from caller to server), the call manager software (e.g., software running at Amwell
8 SIP/VoIP proxy Server to route/manage calls) included on the server (e.g., Amwell Server) is
9 operable to decide on the appropriate routing (e.g., Invite signal from server to callee) to a 3rd
10 party end-user (e.g., Other users using Amwell) for that call request (e.g., Invite signal from caller
11 to server) without using the network operator's home or visitor location register. See Exhibit H.

12
13 171. The elements described in the preceding paragraphs are covered by at least Claims
14 1, 3, 4, 5, 7, 9, 11, 12, 13, 14, 22, 23, and/or 24 of the '551 Patent. Thus, Defendant's use of the
15 Accused Product is enabled by the method, system, server, and/or computer product described in
16 the '551 Patent.

17
18 172. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing
19 the '551 Patent.

20 173. Defendant has had knowledge of infringement of the '551 Patent at least as of the
21 service of the present Complaint.

22
23 174. Defendant has directly infringed and continues to directly infringe at least one
24 claim of the '551 Patent by using, at least through internal testing or otherwise, the Accused
25 Product without authority in the United States, and will continue to do so unless enjoined by this

1 Court. As a direct and proximate result of Defendant's direct infringement of the '551 Patent,
2 Plaintiff has been and continues to be damaged.

3 175. Defendant has induced others to infringe the '551 Patent by encouraging
4 infringement, knowing that the acts Defendant induced constituted patent infringement, and its
5 encouraging acts actually resulted in direct patent infringement.
6

7 176. By engaging in the conduct described herein, Defendant has injured Plaintiff and
8 is thus liable for infringement of the '551 Patent, pursuant to 35 U.S.C. § 271.

9 177. Defendant has committed these acts of infringement without license or
10 authorization.
11

12 178. As a result of Defendant's infringement of the '551 Patent, Plaintiff has suffered
13 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
14 for Defendant's past infringement, together with interests and costs.

15 179. Plaintiff will continue to suffer damages in the future unless Defendant's
16 infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for
17 any continuing and/or future infringement up until the date that Defendant is finally and
18 permanently enjoined from further infringement.
19

20 180. Plaintiff reserves the right to modify its infringement theories as discovery
21 progresses in this case; it shall not be estopped for infringement contention or claim construction
22 purposes by the claim charts that it provides with this Complaint. The claim chart depicted in
23 Exhibit F is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of
24

Civil Procedure and does not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

DEMAND FOR JURY TRIAL

181. Plaintiff demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

a. That Defendant be adjudged to have directly infringed the '512 Patent, the '154 Patent, the '575 Patent, and the '551 Patent either literally or under the doctrine of equivalents;

b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '512 Patent, the '154 Patent, the '575, and the '551 Patent;

d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Plaintiff for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

1 f. That Defendant be directed to pay enhanced damages, including Plaintiff's attorneys'
2 fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

3 g. That Plaintiff be granted such other and further relief as this Court may deem just and
4 proper.
5

6 Dated: September 27, 2022

Respectfully submitted,

7 /s/Philip P. Mann

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